

Ministry of Justice, Islamic Affairs and Waqf

Order No. (42) of 2022

Regarding the transfer of personal data outside the Kingdom of Bahrain

Minister of Justice, Islamic Affairs and Waqf:

After reviewing Law No. (30) of 2018 issuing the Personal Data Protection Law, in particular, Articles (12) therein,

And Decree No. (78) of 2019 Determining the Administrative Entity to Assume the Duties and Powers of Personal Data Protection Authority,

And upon the submission of the Undersecretary of Justice and Islamic Affairs,

The following has been decided upon:

Article (1)

Definitions

When implementing the provisions of this Order, the words and expressions therein shall have the meanings stipulated in the Personal Data Protection Law issued by Law No. (30) of 2018, the following words and phrases shall have the meanings set forth, unless the context requires otherwise:

The Kingdom: The Kingdom of Bahrain

Law: Personal Data Protection Law issued by Law No. (30) of 2018.

Regional or international group: companies and their branches in several countries, and parent companies and their subsidiaries in other countries.

Binding Corporate Rules: Policies and procedures, aggregated or incorporated in a single written document by regional or international groups that are submitted to the Authority, to regulate the transfer personal data between them, and which shall contain provisions that aims to protect such data.

Article (2)

Cases of transferring personal data outside the Kingdom

The Data Controller may transfer personal data directly to countries and territories stipulated in the record attached to this Order without the need to obtain prior authorization from the Authority.

The Data Controller may also transfer personal data to other than those countries and territories upon the authorization granted by the Authority on a case-by-case basis, if the Authority determines that the data will have an adequate level of protection in accordance with Clause (2) of the first paragraph of Article (12) of the Law.

The authorization referred to in the previous paragraph may be conditional or for a specified period.

Article (3)

Prior authorization requests to transfer personal data outside the Kingdom

The Data Controller shall obtain prior authorization from the Authority to transfer data outside the Kingdom in accordance with the following requirements:

- 1- Submit the prior authorization request on the prescribed form on the Authority's website including in particular the following:
 - a) The name and address of the Controller and Processor, if any;
 - b) The nature of the data to be transferred, purpose and duration of processing;
 - c) The country or territory of origin of the data, its final destination, and available measures, in such countries and territories, to protect personal data.
- 2- Attaching relevant international agreements and legislations that are in force in the country or territory, which the data shall be transferred to.
- 3- Attaching to the form a statement whether an adequate level of protection will be provided to the personal data to be transferred.

Article (4)

Transferring Personal Data outside the Kingdom within a regional or international group

To transfer personal data outside the Kingdom within a regional or international group, and to a country or territory not listed in the record attached to this Order, the Controller shall obtain prior authorization request from the Authority in accordance with the requirements set forth in Article (3) of this Order, the Data Controller shall also comply with the corporate rules -if present-.

Article (5)
Transfer of personal data to a Data Controller or a third party outside the Kingdom according to a contract

To transfer personal data from a Data Controller to another Data Controller or to a third party located outside the countries and territories included in the list attached to this Order according to a contract, he must obtain prior authorization from the Authority in accordance with Article (3) of this Order, in addition to providing a copy of the contract, which must include all of the following provisions:

- 1- That the data processing shall be limited to the purposes specified in the contract.
- 2- That data shall not be kept longer than necessary for the purposes of which they are transferred for.
- 3- The data shall be true, accurate, relevant and up-to-date and shall be updated when necessary.
- 4- Compliance with the technical and organizational measures upon processing.
- 5- The Data Subject must be informed of the purpose of the processing, and other information necessary to ensure fair processing.
- 6- Ensuring that the Data Subject can view all processed personal data, in addition to his right to rectify, block or erase the data if the processing is not in line with the provisions of the Law and the Orders issued according to it.

Article (6)

Entry into force

The Undersecretary of Justice and Islamic Affairs shall implement the provisions of this Order, and it shall come into effect on the next day following the date of publication in the Official Gazette.

Minister of Justice, Islamic Affairs and Waqf
Khalid bin Ali bin Abdulla Al
Khalifa

Issued on: 14 Sha'ban 1443 AH

Corresponding to: Thursday, March 17, 2022

**Record of countries and territories
that provide adequate legislative and regulatory protection for personal
data**

No.	Country/ Territory	No.	Country/ Territory
1	Andorra	43	Kingdom of Saudi Arabia
2	Argentina	44	Kuwait
3	Australia	45	Latvia
4	Austria	46	Liechtenstein
5	Belgium	47	Lithuania
6	Bolivia	48	Luxembourg
7	Brazil	49	Macau
8	Brunei	50	Malaysia
9	Bulgaria	51	Malta
10	Canada	52	Mexico
11	Chile	53	Monaco
12	China	54	Morocco
13	Colombia	55	Netherlands
14	Croatia	56	New Zealand
15	Cyprus	57	Nigeria
16	Czech Republic	58	Norway
17	Denmark	59	Oman
18	Ecuador	60	Pakistan
19	Egypt	61	Paraguay
20	Estonia	62	Peru
21	Falkland Islands	63	Poland
22	Faroe Islands	64	Portugal
23	Finland	65	Romania
24	France	66	Russia
25	French Guiana	67	San Marino
26	Georgia	68	Singapore
27	Germany	69	Slovakia
28	Greece	70	Slovenia
29	Guernsey	71	South Korea
30	Guyana	72	Spain
31	Hong Kong	73	Suriname

32	Hungary	74	Sweden
33	Iceland	75	Switzerland
34	India	76	Thailand
35	Ireland	77	Ukraine
36	Isle of Man	78	United Arab Emirates
37	Israel	79	United Kingdom
38	Italy	80	United States of America
39	Japan	81	Uruguay
40	Jersey	82	Vatican
41	Jordan	83	Venezuela
42	Kazakhstan		